

FILED US District Court-UT  
NOV 15 '23 AM 11:15

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**SEALED**

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

BAUILIO RIVERA and ERICK  
GIOVANNI GUTIERREZ MARTINEZ,

Defendants.

**INDICTMENT**

VIOLATION:

Count I: 18 U.S.C. §§ 922(a)(6) and 2,  
False Statement During Attempted  
Acquisition of a Firearm, Aiding and  
Abetting.

Case: 2:23-cr-00420  
Assigned To : Campbell, Tena  
Assign. Date : 11/15/2023

The Grand Jury charges:

**COUNT I**

18 U.S.C. §§ 922(a)(6) and 2  
(False Statement During Attempted Acquisition of a Firearm, Aiding and Abetting)

On or about June 11, 2023, in the District of Utah,

BAUILIO RIVERA and  
ERICK GIOVANNI GUTIERREZ MARTINEZ,

defendants herein, in connection with the attempted acquisition of a firearm, to wit: a FN M249S 5.56x45mm caliber rifle, from a licensed firearm dealer within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement intended and likely to deceive the firearm dealer with respect to any fact material to the lawfulness of such acquisition of the firearm, in that RIVERA falsely answered “yes” on ATF Form 4473 asking whether he was the actual transferee/buyer of the firearm, and, as he then knew, his answer was untrue, and GUTIERREZ MARTINEZ did aid and abet therein, all in violation of 18 U.S.C. §§ 922(a)(6) and 2, and punishable pursuant to 18 U.S.C. § 924(a)(2).

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**NOTICE OF INTENT TO SEEK FORFEITURE**

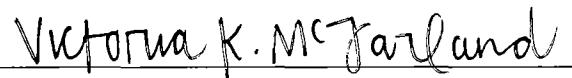
Pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), upon conviction for any offense violating 18 U.S.C. § 922, the defendants shall forfeit to the United States of America any firearm or ammunition involved in or used in the commission of the offense, including but not limited to:

- FN M249S 5.56x45mm caliber rifle, s/n M249SA07088

A TRUE BILL:

  
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FOREPERSON OF GRAND JURY

TRINA A. HIGGINS  
United States Attorney

  
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VICTORIA K. McFARLAND  
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Assistant United States Attorneys